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THE HONORABLE MARC BARRECA  
Chapter 7  
Hearing Date: February 14, 2014  
Hearing Time: 9:30 a.m.  
Hearing Place: 700 Stewart St., Room 7106, Seattle  
Responses Due: February 7, 2014

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In Re:

Denise J. Schuh,

Debtor(s).

No. 13-13131

NOTICE OF HEARING AND  
MOTION TO APPROVE THE SALE  
OF REAL PROPERTY FREE AND  
CLEAR OF LIENS AND  
ENCUMBRANCES

**NOTICE OF HEARING**

A hearing shall be held on February 14, 2014, at 9:30 a.m. before the Honorable MARC BARRECA at 700 Stewart St., Room 7106, Seattle, Washington to consider the matters set forth below. Any party objecting to the requested relief shall file their objection no later than February 7, 2014 and shall appear at the hearing and state their objection. In absence of a timely objection, the Trustee may present an Order granting the requested relief prior to the date of the hearing.

**MOTION TO APPROVE SALE FREE AND CLEAR OF LIENS AND  
ENCUMBRANCES**

COMES NOW the Trustee, Edmund J. Wood, by his attorney Michael Harris, and moves for an Order authorizing the sale of real property free and clear of liens and encumbrances upon the terms set forth below:

NOTICE OF HEARING AND MOTION TO APPROVE  
THE SALE OF REAL PROPERTY ETC. - 1

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1

2 Street Address of Property: 2091 NW Boulder Way  
Issaquah, WA 98027

3

4 Legal description of Property (Abbreviated): Lot 111, Ascent at Talus, Division No. II

5

6 Parcel No.: 0291310710

7 Sale Price: \$260,000 or such higher price as the parties agree to in order to close the short sale

8 Terms of Sale: Cash at closing

9 Purchaser: Yong Xi and Jin Luo

10 Purchasers Address: 26620 SE 16<sup>th</sup> Ct.  
Sammamish, WA 98075

11

12 Costs of Sale: The estate will pay the real estate agent a  
13 commission of 6% of the gross sale price or  
14 such lesser amount as the agents shall agree to;  
15 and the estate will pay customary costs of sale,  
16 including but not limited to title insurance  
17 premiums, real estate taxes due through the date  
of closing, excise tax, and one-half of the  
escrow fee. In addition to the commission, the  
buyer shall pay a separate fee of 1.5% to the  
agent for facilitating the short sale.

18 Utility Liens: The amount or existence of utility liens is  
usually not known until closing or later. The  
Trustee will pay utility liens from sale proceeds.

19

20 Encumbrances and approximate  
claim amounts: US Bank \$257,877.00  
Citibank \$120,122.00

21

22 This sale will be free and clear of all liens and interests; said liens and interests, if any,  
23 will attach to the proceeds of sale with the same effect and validity as they attached to the subject  
24 property. The Trustee requests authority to pay the secured creditors named above to the extent  
25 funds are available.

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1 This is a short sale. The sale will be subject to the approval of U.S. Bank. There will be  
2 insufficient funds to make a distribution to secured creditors of a lower priority than U.S. Bank  
3 on its first Deed of Trust. The Trustee will negotiate the terms of the short sale with U.S. Bank  
4 at a later date; the terms are unknown at this time. The Trustee will also negotiate a buyer's  
5 premium or carve out of at least \$20,000. Of that amount, at least half one will be distributed to  
6 pre-petition creditors. Should the buyer be unable to close the sale, or should the trustee receive  
7 an offer he believes is better for the estate, the trustee reserves the right to, rather than treating  
8 the funds as a buyer's premium, negotiate a carve out with the secured creditor under 11 USC  
9 §506(c).  
10

11 The Trustee believes and alleges that the buyer is a good faith purchaser for value.

12 WHEREFORE the Trustee prays for an Order approving the transaction granting the  
13 other relief set forth above. A proposed Order is attached.  
14

15 Dated January 14, 2014.  
16

17 /s/Michael P. Harris  
18 Michael P. Harris,  
19 Attorney at Law  
20 WSBA#13506  
21  
22  
23  
24  
25

NOTICE OF HEARING AND MOTION TO APPROVE  
THE SALE OF REAL PROPERTY ETC. - 3

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